

**COMPLAINT INVESTIGATION SUMMARY**

<b>COMPLAINT NUMBER:</b>	<b>1558.00</b>
<b>COMPLAINT INVESTIGATOR:</b>	<b>Jane Taylor-Holmes</b>
<b>DATE OF COMPLAINT:</b>	<b>April 20, 2000</b>
<b>DATE OF REPORT:</b>	<b>May 19, 2000</b>
<b>REQUEST FOR RECONSIDERATION:</b>	<b>yes (no changes made)</b>
<b>DATE OF CLOSURE:</b>	<b>October 3, 2000</b>

**COMPLAINT ISSUES:**

Whether the Madison Grant United School Corporation and the Grant County Special Education Cooperative violated:

511 IAC 7-10-2 with regard to the school's alleged failure to implement general education interventions for a student whose classroom performance is adversely affecting educational outcomes;

511 IAC 7-10-3(i) with regard to the school's alleged failure to conduct a comprehensive educational evaluation designed to assess and gather information in all areas that may be related to the student's suspected disability; and

511 IAC 7-12-1(j) and 511 IAC 7-11-11 with regard to the school's alleged failure to ensure the case conference committee considered the requisite information about the student in determining the student's eligibility for special education as a student with an "other health impairment."

**FINDINGS OF FACT:**

1. The Student is 12 years old and is in the sixth grade at the local elementary school (the "School"). The Student is eligible for special education and related services as a student with an other health impairment ("OHI").
2. The Student was evaluated during the 1998-99 school year, but was found ineligible for special education and related services.
3. In a letter dated April 17, 2000, the local school corporation's director of special education (the "Corporation Director") informed the Complainant that the Student had been requesting assistance from the School's resource teacher. The Corporation Director stated, "We cannot serve him in the Resource Room unless he is made eligible under Indiana Article 7. With the semester grades and student Progress Reports, it appears [Student] would benefit from assistance." The Corporation Director also stated that he wanted to reconvene the case conference committee and "reconsider eligibility." No documentation was submitted to indicate that additional evaluations were conducted this school year.
4. A case conference committee meeting was conducted on April 27, 2000. The Student was found eligible for special education and related services. The Student was placed in general education for most of the instructional day, with special education instruction provided in the resource room for

part of the school day. The Student will also be participating in summer school language arts and math programs.

5. The Director reported in her written memorandum of response that many attempts were made to reach the Complainant regarding the Student's academic struggles. The Complainant reported to the Director that no copies of the School's letters were received. No documentation of attempts to contact the Complainant was provided.
6. No documentation was submitted to indicate that general education interventions were implemented; that a comprehensive educational evaluation was conducted; and that the case conference committee considered all the requisite information when determining the Student's eligibility for special education and related services. In an effort to secure documentation, the Director was contacted regarding this complaint by telephone on April 20, 2000; in a notification letter dated April 20, 2000, requesting documentation be submitted to the Division by May 3, 2000; by telephone and leaving a message with the special education office secretary on May 15, 2000; and by e-mail sent on May 16, 2000.

#### **CONCLUSIONS:**

1. Findings of Fact #3, #5 and #6 indicate that the Student was experiencing difficulty in the classroom and had initiated attempts to receive educational assistance. Further, no documentation was submitted to refute the allegation that no general education interventions were utilized in the Student's classroom. A violation of 511 IAC 7-10-2 occurred.
2. Findings of Fact #3 and #6 indicate that no documentation was submitted to refute the allegation that the School failed to conduct a comprehensive educational evaluation designed to assess and gather information in all areas affecting the Student's suspected disability. A violation of 511 IAC 7-10-3(j) occurred.
3. Findings of Fact #3, #5, and #6 indicate that no documentation was submitted to refute the allegation that the School failed to ensure that the case conference committee considered the requisite information about the Student when initially determining the Student's eligibility for special education as a student with an OHI. A violation of 511 IAC 7-12-1(j) and 511 IAC 7-11-11 occurred.

**The Department of Education, Division of Special Education requires corrective action based on the Findings of Fact and Conclusions listed above.**

#### **CORRECTIVE ACTION:**

The Madison-Grant United School Corporation and the Grant County Special Education Cooperative shall:

1. reconvene the Student's case conference committee by June 2, 2000, for the purpose of developing an *IEP* for extended school year services ("ESY"). A copy of the Student's *IEP* and the *CCC Report* for ESY shall be submitted to the Division no later than June 20, 2000.
2. reconvene the Student's case conference committee prior to the beginning of the 2000-01 school year for the purpose of developing an *IEP* for the provision of compensatory services to the Student during said school year. A copy of the Student's *IEP* and *CCC Report* for compensatory services shall be submitted to the Division no later than August 16, 2000.
3. conduct an inservice training with all the local school corporation's professional personnel regarding

the procedures to follow for the conduct of an educational evaluation, as indicated in 511 IAC 7-25-3 and 511 IAC 7-25-4. A copy of the inservice training agenda, any materials presented to the participants, and a sign-in sheet listing the participants by name and title shall be submitted to the Division no later than June 20, 2000.

4. conduct an inservice training with all the local school corporation's professional personnel regarding the procedures the case conference committee must follow to ensure that the requisite information about the student is considered when determining eligibility for special education as a student with an OHI, as indicated in 511 IAC 7-27-4 and 511 IAC 7-26-12. A copy of the inservice training agenda, any materials presented to the participants, and a sign-in sheet listing the participants by name and title shall be submitted to the Division no later than June 20, 2000.

DATE REPORT COMPLETED: May 19, 2000